

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON**

**RUNAKO Q. BLAIR,**

Petitioner,

vs.

**STATE OF TENNESSEE,**

Respondent.

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**C. C. A. NO. W1999-01847-CCA-R3-PC**

**SHELBY COUNTY**

**No. P-20911**

**FILED**

**January 12, 2000**

**Cecil Crowson, Jr.  
Appellate Court Clerk**

**ORDER**

This matter is before the Court upon the state's motion to affirm the trial court judgment pursuant to Rule 20, Rules of the Court of Criminal Appeals. This case represents an appeal from the dismissal of the petitioner's second petition for post-conviction relief. In 1994, the petitioner was convicted of second degree murder and attempted second degree murder received an effective thirty-three year sentence. This Court affirmed the convictions and sentences on appeal. State v. Blair, No. 02C01-9411-CR-00249 (Tenn. Crim. App. Nov. 22, 1995), perm. app. denied, (Tenn. May 13, 1996). The petitioner subsequently filed a petition for post-conviction relief. The trial court dismissed the petition. This Court affirmed the dismissal on appeal. Blair v. State, 969 S.W.2d 423 (Tenn. Crim. App. 1997), perm. app. denied, (Tenn. 1998). On January 21, 1999, the petitioner filed his second petition for post-conviction relief, which was dismissed by the trial court on February 12, 1999.

T.C.A. § 40-30-202(c) provides that no more than one petition for post-conviction relief may be filed attacking a single judgment, and mandates that the trial court shall summarily dismiss any second or subsequent petition if a prior petition was filed and resolved on the merits by a court of competent jurisdiction. Since the petitioner previously filed a petition that was resolved on the merits by the trial court and by this Court on appeal, the petitioner's present petition was properly dismissed. Additionally, after reviewing the entire record on appeal, we find that the petitioner's claim does not fall within one of the limited circumstances under which a prior petition may be re-opened. See T.C.A. § 40-30-217.

Accordingly, we conclude that the trial court did not err in summarily

dismissing the petitioner's second petition for post-conviction relief. It is therefore ORDERED that the state's motion is granted and the judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals. It appearing the petitioner is indigent, costs of this appeal shall be taxed to the state.

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DAVID G. HAYES, JUDGE

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JOE G. RILEY, JUDGE

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JOHN EVERETT WILLIAMS, JUDGE